

Appl. No. : **10/601,093**
Filed : **June 20, 2003**

REMARKS

By way of summary, Claims 1-20 were originally filed in the present application. In an Amendment filed on March 23, 2005, Claims 21-25 were added. Claim 18 is amended herein. Claim 26 is added herein. Thus, Claims 1-26 remain pending.

Amendments to the specification and claims set forth above include markings to show the changes by way of the present amendment, deletions being in strikeout (e.g., ~~strikeout~~) or double brackets (e.g., [[double brackets]]) and additions being underlined (e.g., underlined).

Amendment to Specification

The Examiner objected to the specification because the first instance of the recitation of “fastener” in the penultimate line of paragraph [0032] should be “fasteners.” Applicants have amended paragraph [0032] to now recite “a plurality of fasteners.” Accordingly, Applicants respectfully request that the objection to paragraph [0032] be withdrawn.

Allowable Claims

Applicants acknowledge with appreciation that Claims 1-17 and 22-25 were deemed allowable by the Examiner.

All Pending Claims Fully Comply with 35 U.S.C. § 112

Claims 18-21 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification in such a way so as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. Applicants respectfully traverse the rejection because the specification meets the written description requirements of 35 U.S.C. § 112, first paragraph, for Claims 18-21. Nevertheless, Claim 18 has been amended, and Claims 18-21 are in condition for allowance as detailed below.

Amended Claim 18 recites, among other things, “means for preventing at least a portion of the wear bar from entering depressions in a snow surface, said means being positioned entirely either forward or rearward of the bracket pivot point.” Means-plus-function claims under 35 U.S.C. 112, paragraph 6, are evaluated with respect to the structures described in the specification that perform the recited function.

The present application discloses means for preventing at least a portion of the wear bar from entering depressions in a snow surface wherein the means is positioned entirely either

forward or rearward of the bracket pivot point. For example, Figure 2 (reproduced below) illustrates one non-limiting embodiment of a ski 100 having glide members 270, 294 for preventing at least a portion of the wear bar 154 from entering depressions in a snow surface.

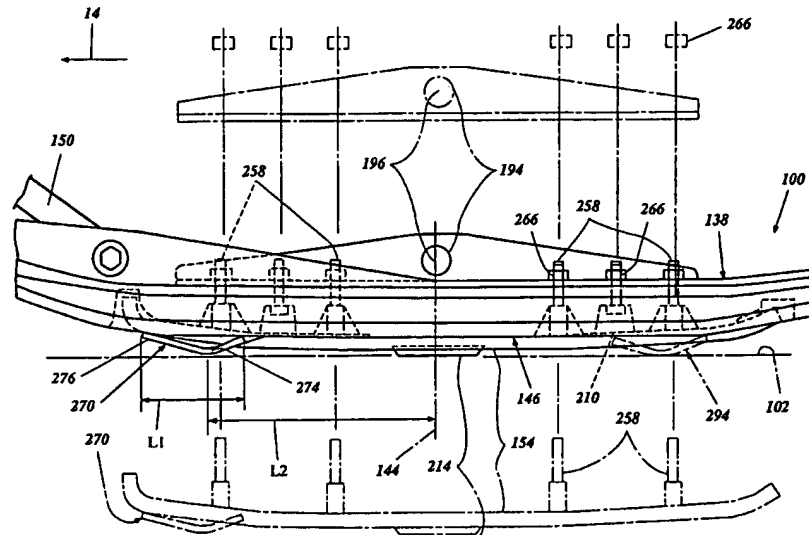


Figure 2

As shown in Figure 2, the glide member 270 is positioned entirely forward of the bracket pivot point. The glide member 294 is positioned entirely rearward of the bracket pivot point. The wear bar 154 is spaced from the snow surface 102, thus preventing at least a portion of the wear bar 154 from entering the depressions in the snow. The specification discloses that the glide member 270 and/or the glide member 294 can prevent the wear bar 154 from entering depressions in a snow surface.

The Examiner states “[t]here is no original disclosure that can be found that [the] ‘rear guide member 294’ by ‘itself’ would prevent the wear bar from entering tracks and depressions.” Office Action mailed May 13, 2005, page 4. Applicants respectfully disagree. The specification discloses the glide member 270 alone can prevent a portion of the wear bar 154 from entering depressions. See, e.g., specification paragraph [0036]. The specification further discloses that the glide member 294 can be used “in addition or in the alternative to the glide member 270.” Specification, paragraph [0043] (emphasis added). Thus, the specification discloses at least three embodiments: (1) a ski having the forward glide member 270, (2) a ski having the rearward glide member 294, and (3) a ski having both the forward glide member 270 and rearward glide member 294.

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The Examiner states that “it is believed that to ‘prevent’ the entire length of the wear bar from entering depressions in the snow surface, that, contrary to the above, that both the forward and rear gliding members, 270 and 294 would be required.” Office Action mailed May 13, 2005, page 4. Amended Claim 18 now recites a means for preventing at least a portion of the wear bar from entering depressions in snow. As discussed above, the specification discloses that either glide member 270, 294 can alone or in combination with each other prevent at least a portion of the wear bar from entering depressions in a snow surface. When the snowmobile moves in the rearward direction, for example, the glide member 294 can keep the wear bar 154 from entering depressions, even if the ski does not have the glide member 270.

The Examiner further states that “paragraph [0041] recitation teaches that the forward glide member only ‘helps keep the wear bar 154 from entering ruts . . . This would apparently mean that ‘[an]other structure’ in addition to the forward glide member 270 is required to ‘prevent’ the wear bar from entering depressions.” Office Action mailed May 13, 2005, page 4. The specification discloses at least three embodiments wherein one of the embodiments has a ski having both the forward glide member 270 and rearward glide member 294. Thus, the glide member 270 helps keep the wear bar 154 from entering ruts. Applicants note that other embodiments disclosed in the specification do not require both glide members as detailed above.

Accordingly, because the specification discloses that the glide member 270 and/or the glide member 294 can prevent at least a portion of the wear bar 154 from entering depressions in a snow surface, Applicants respectfully submit that Claims 18-21 are in condition for allowance.

Claims 18-21 Are Allowable Over Moriyama

Claims 18-21 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,513,612 issued to Moriyama et al. (Moriyama). Applicants respectfully submit that the presently pending claims are patentable over Moriyama as discussed in detail below.

Moriyama does not disclose each and every limitation of amended Claim 18. For example, Claim 18 recites, among other things, means for preventing at least a portion of the wear bar from entering depressions in a snow surface, said means being positioned entirely either forward or rearward of the bracket pivot point. Means-plus-function claims under 35 U.S.C.

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112, paragraph 6, are evaluated with respect to the recited function and the corresponding structure described in the specification.

The mounting studs 106, washers 114, and nuts 116 of Moriyama do not perform the recited function of preventing a wear bar from entering depressions in a snow surface. Moriyama teaches that each stud 106 receives a flat washer 114 and nut 116 to secure the wear bar 56 to the ski 30. Col. 7, lines 51-53. As shown in Figures 2 and 6 of Moriyama, the wear bar 56 is exposed even when the wear bar 56 is mounted to the bottom of the ski 30. The mounting studs 106, washers 114, and nuts 116 are positioned above the lower surface of the ski and simply do not prevent a wear bar from entering depressions in a snow surface. Thus, Moriyama does not disclose any structure for preventing the exposed wear bar 56 from entering depressions in a snow surface.

Even if the structures cited by the Examiner perform the recited function, which Applicants assert they do not, the studs 106, flat washers 114 and nuts 116 of Moriyama are not the same as the glide member described in the specification, or equivalents thereof. As shown in Figures 2, 5, 8, and 11, for example, one or both of the glide members can keep at least a portion of the wear bar from entering depressions in the snow. The studs 106, flat washers 114, and nuts 116 are structurally not the same as the glide member described in the specification or an equivalent thereof.

Thus, because the mounting studs 106, washers 114, and nuts 116 do not prevent the wear bar from entering depressions in a snow surface and are not same or equivalent to the structures described in the specification, Applicants respectfully submit that Claim 18 is in condition for allowance.

Claims 19-21 depend from independent Claim 18 and are allowable as depending from an allowable base claim, as well as for novel and non-obvious combination of elements recited therein.

New Claim

Claim 26 has been added. This claim is fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Consideration of new Claim 26 is respectfully requested.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Claim 18 was amended to broaden the recited function associated with the claimed means-plus-function limitation and is fully supported by the specification. Additionally, the means-plus-function limitation is primarily discussed herein with respect to an embodiment illustrated in Figure 2. However, these means-plus-function limitations also include other embodiments disclosed in the present specification and equivalent structure thereof.

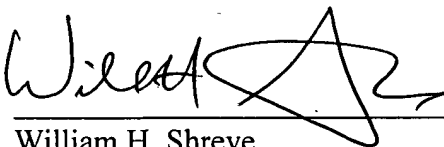
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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